

Message Text

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PAGE 01 STATE 167039
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DRAFTED BY EA/K:FHMISCH:RGRICH,JR.:JCM
APPROVED BY EA/K - MR. RICH
L/EA - MRS. VERVILLE

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FM SECSTATE WASHDC
TO AMEMBASSY SEOUL PRIORITY

C O N F I D E N T I A L STATE 167039

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: FRASER COMMITTEE PRESSURE FOR TESTIMONY FROM
FORMER KOREAN DIPLOMAT

REF: STATE 150748

SUMMARY: KOREA COUNTRY DIRECTOR INFORMED KOREAN EMBASSY
OFFICER OF USG POSITION ON ACTIONS TAKEN BY FRASER
COMMITTEE TO OBTAIN CERTAIN TESTIMONY FROM YI YONG-IN.
EMBASSY OFFICER EXPRESSED THANKS FOR INFORMATION, AND
COMMENTED THAT IT WOULD HELP HIM TO CORRECT THE IMPRESSION
IN THE ROKG THAT THE DEPARTMENT'S STEPS SO FAR IN THE
CASE HAVE BEEN INADEQUATE. AS EXPECTED, YI DECLINED TO
ANSWER QUESTIONS RELATING TO HIS OFFICIAL DUTIES IN SEOUL
WHICH WERE POSED IN EXECUTIVE SESSION JUNE 28, AND HE
FACES THE POSSIBILITY OF A CONTEMPT CITATION. END SUMMARY.

1. KOREAN EMBASSY POLITICAL OFFICER SHIN CALLED ON
KOREA COUNTRY DIRECTOR RICH JUNE 26 TO ASK ABOUT DEPART-
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CONFIDENTIAL

PAGE 02 STATE 167039

MENT'S ACTIONS IN RESPONSE TO ROKG REPRESENTATIONS (REFTEL)
CONCERNING FRASER SUBCOMMITTEE'S SUBPOENA OF FORMER CONSUL
YI YONG-IN AND THE SUBCOMMITTEE'S ANNOUNCED INTENTION TO
QUESTION YI UNDER SUBPOENA ABOUT HIS ACTIVITIES AS ROKG
OFFICIAL BEFORE COMING TO THE US.

2. WE INFORMED SHIN THAT THE DEPARTMENT HAS NO
OFFICIAL ROLE TO PLAY AT THIS STAGE. HOWEVER, WE HAVE

INFORMALLY DISCUSSED THE QUESTION WITH THE FRASER SUBCOMMITTEE STAFF AND NOTED THAT, IF THE SUBCOMMITTEE MOVES TO ENFORCE ITS DEMAND FOR TESTIMONY CONCERNING MR. YI'S FORMER OFFICIAL RESPONSIBILITIES AS A ROKG OFFICER IN SEOUL THROUGH A CONTEMPT OF CONGRESS PROCESS, THEN A LEGAL ISSUE WOULD BE JOINED ON WHICH THE DEPARTMENT MIGHT DECIDE OR BE CALLED ON TO EXPRESS AN OPINION. DEPARTMENT OFFICERS HAD ALSO POINTED OUT THAT THE SUBCOMMITTEE WOULD BE MOVING INTO AN UNTESTED AREA OF LAW AND PRECEDENT WHICH WAS OF POTENTIAL CONCERN TO THE DEPARTMENT IN VIEW OF THE MANY RETIRED U.S. DIPLOMATS LIVING IN FOREIGN COUNTRIES.

3. THE DEPARTMENT COULD NOT OPPOSE THE ISSUANCE OF THE SUBPOENA TO YI, SINCE HE IS ENTITLED TO IMMUNITY UNDER THE VIENNA CONVENTION ONLY WITH RESPECT TO TESTIMONY REGARDING HIS OFFICIAL ACTS WHILE HE WAS ACCREDITED AS A DIPLOMAT. HOWEVER, IN THE EVENT THAT THE SUBCOMMITTEE SHOULD DECIDE TO INSTITUTE CONTEMPT PROCEEDINGS, THE DEPARTMENT MIGHT BECOME INVOLVED IN THE CASE IN A NUMBER OF WAYS, FOR EXAMPLE, CONSULTATIONS WITH THE DEPARTMENT OF JUSTICE IF IT IS REQUESTED TO PROSECUTE.

4. WE HAVE INFORMED THE SUBCOMMITTEE THAT INSISTENCE ON YI'S TESTIMONY UNDER SUBPOENA ON HIS ROKG EMPLOYMENT WOULD BE, TO OUR KNOWLEDGE, WITHOUT PRECEDENT, AND THAT CONFIDENTIAL

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PAGE 03 STATE 167039

CREATION OF SUCH A PRECEDENT WOULD BE OF POTENTIAL SERIOUS CONCERN TO THE DEPARTMENT. THE SUBCOMMITTEE IS AWARE OF OUR VIEWS AND THE POSSIBILITY OF FUTURE DEPARTMENT INVOLVEMENT. THE MATTER NOW RESTS WITH THE SUBCOMMITTEE.

5. PRIOR TO THE START OF THE EXECUTIVE SESSION HEARING ON JUNE 28 YI DISTRIBUTED TO REPORTERS A COPY OF THE STATEMENT WHICH HE INTENDED TO MAKE BEFORE THE SUBCOMMITTEE. (COPIES OF THE STATEMENT, AND OF THE LEGAL BRIEF PREPARED BY YI'S COUNSEL, ARE BEING POUCHED TO THE EMBASSY.) WE UNDERSTAND THAT YI DID IN FACT REFUSE TO ANSWER QUESTIONS PERTAINING TO HIS OFFICIAL GOVERNMENT-SERVICE IN KOREA, AND THAT AS A RESULT HE WAS THREATENED WITH A CONTEMPT OF CONGRESS PROCESS. ACCORDING TO YI'S LAWYER, A MOVE TO OBTAIN A CONTEMPT CITATION COULD COME IN THE NEXT SEVEN TO TEN DAYS. VANCE

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